

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WILMINGTON SAVINGS FUND SOCIETY, FSB,  
D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY  
BUT AS TRUSTEE FOR CARLSBAD FUNDING  
MORTGAGE TRUST,

**MEMORANDUM DECISION  
AND ORDER**

Plaintiff,

2:17-cv-02288 (AMD) (JMW)

- against -

LENA WHITE *et al.*

Defendants.

**ANN M. DONNELLY**, United States District Judge:

The plaintiff<sup>1</sup> filed this action in April 2017 to foreclose on a mortgage on real property against the defendant who lives in the home. (ECF No. 2.) Although the defendant answered the complaint, she did not appear for multiple pretrial conferences or respond to an order to show cause. Accordingly, I adopted Magistrate Judge James Wicks' recommendation that the answer be stricken, and I directed the plaintiff to seek a default judgment. (ECF No. 78.) The plaintiff's successor in interest, U.S. Bank, filed a timely motion for default judgment, which I referred to Judge Wicks on February 22, 2022. Judge Wicks recommended that I grant the plaintiff's motion, except with respect to the plaintiff's request for costs and attorney's fees. Judge Wicks determined that the plaintiff did not substantiate the amount it sought in costs and did not meet the minimum documentation requirements to recover a flat fee for attorney services. (ECF No. 85 at 20-21.) Over the plaintiff's objection, I adopted Judge Wicks' recommendation granting the plaintiff's motion in part but denying attorney's fees and granted the plaintiff leave to

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<sup>1</sup> My prior order amended the caption to reflect that U.S. Bank National Association, as Trustee for the RMAC Trust, Series 2016-CTT is the proper plaintiff. (ECF No. 87.)

resubmit its application for attorney's fees within 30 days of this judgment. (ECF No. 87.) The plaintiff timely renewed its motion for attorney's fees, and I referred the motion to Judge Wicks. Judge Wicks recommended awarding \$4,950 in attorney's fees. No party has filed an objection to the report and recommendation and the time for doing so has passed.

A district court reviewing a report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Judge Wicks' report and recommendation for clear error and find none. Accordingly, I adopt the report and recommendation in its entirety. The plaintiff's motion for attorney's fees in the amount of \$4,950.00 is GRANTED.

**SO ORDERED.**

s/Ann M. Donnelly

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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
June 1, 2023